

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
Colman-Egan School District  
Accountability Review - Monitoring Report 2010-2011**

**Team Members:** Chris Sargent, Team Leader; Lois Russell, Joan Ray, Bev Petersen, Wendy Jarvis, Team Members

**Dates of On Site Visit:** March 16, 2011

**Date of Report:** May 25, 2011

3 month update due: August 25, 2011

Date Received:

6 month update due: November 25, 2011

Date Received:

9 month update due: February 25, 2011

Date Received:

Closed:

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

**Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order

agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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## **1. GENERAL SUPERVISION**

**ARSD 24:05:30:04. Prior notice.** Written notice which meets the requirements of § 24:05:30:05 must be given to the parents five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. The five-day notice requirement may be waived by the parents.

**ARSD 24:05:30:05. Content of notice.** The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;
- (2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;
- (3) A description of any other factors which are relevant to the district's proposal or refusal;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

### **Finding:**

Through a review of student records the review team noted inconsistencies with the written notice requirements. The five-day requirement was not consistently waived by parents. Meeting notices did not inform parents that transition planning activities would be discussed at meetings for students of transition age. Areas required to be evaluated for particular categories of disability were conducted and not included on the prior notice/consent such as observation and documentation of chronic or acute health. A Visual Motor Integration, Sensory Profile and PDMS were administered without informed consent of the parent.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> <b>Refer to General Supervision #4.</b>  <b>Data Collection:</b> <b>Documentation submitted for General supervision #4 will be used to verify correction to this issue.</b>	<b>December 30, 2011</b>	<b>Special Education Director and Staff</b>	

## **2. GENERAL SUPERVISION**

**ARSD24:05:27:13.02. Transition services.** Transition services are a coordinated set of activities for a student with a disability, designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's strengths, preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

**Finding:**

Through a review of student record the review team found that transition reports were not developed following evaluation for five students. Specific strengths and needs were very limited to non-inclusive in the transition reports that were available. Transition strengths and needs were not found in the present levels of academic achievement and functional performance in three of five files.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> <b>Refer to General Supervision #4.</b>  <b>Data Collection:</b> <b>Documentation submitted for General supervision #5 will be used to verify correction to this issue.</b>	<b>December 30, 2011</b>	<b>Special Education Director and Staff</b>	

### **3. GENERAL SUPERVISION**

**ARSD24:05:25:04. Evaluation procedures -- General.** School districts shall ensure, at a minimum, that evaluation procedures include the following:

- (5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents that may assist in determining:
  - (a) Whether the child is a child with a disability; and
  - (b) The content of the child's IEP, including information related to enabling the child:
    - (i) To be involved in and progress in the general education curriculum; or
    - (ii) For a preschool child, to participate in appropriate activities;

**Finding:**

Through a review of student records skill based assessment was not consistently present for each skill area affected by the disability or contained very broad skill areas rather than specific skills/concepts within in the general curriculum needed to develop annual goals for the student.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> <b>Refer to General Supervision #4.</b>  <b>Data Collection:</b> <b>Documentation submitted for General supervision #4 will be used to verify correction to this issue.</b>	<b>December 30, 2011</b>	<b>Special Education Director and Staff</b>	

### **4. GENERAL SUPERVISION**

**ARSD24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:

- (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or
- (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;
- (2) A statement of measurable annual goals, including academic and functional goals, designed to:
- (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
- (b) Meet each of the student's other educational needs that result from the student's disability;
- For students with disabilities who take alternate assessments aligned to alternate achievement standards, each student's IEP shall provide a description of benchmarks or short-term objectives;
- (4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;
- (6) The projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications;
- (8) Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP shall include:
- (a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills; and
- (b) The transition services (including courses of study) needed to assist the student in reaching those goals;
- and

#### **Finding:**

The following issues were noted as areas of concern in the development of student individual education program (IEP):

1. Present levels of academic achievement and functional performance need to consistently contain skill based strengths and needs for each skill area affected by the disability including transition.
2. The skill based strengths and needs must link to evaluation/evaluation report including transition.
3. The present levels of academic achievement and functional performance (PLAAFP) must consistently include a statement of the student's progress and/or involvement in the general curriculum including transition. Placement decisions are not to be made when developing the PLAAFP.
4. Positive behavior strategies must be documented for students whose behavior impedes learning.
5. Annual goals must be skill specific, measurable and developed to represent what the student can reasonably accomplish within one year.
6. Accommodations/modifications must include the frequency, location and duration of services. Terms such as "as needed" do not provide parents or staff with specific frequency for implementation.
7. The justification for placement must document the accept/reject format and include the students instruction needs resulting in the teams decision to remove the student form the general education setting.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<b>Activity/Procedure:</b> The district will review its policy, procedure and practice regarding: <ul style="list-style-type: none"> <li>• Referral and informal review</li> <li>• Determination of needed evaluations per suspected category of disability</li> <li>• The completion of prior notice/consent for evaluations needed for the purpose of determining eligibility and meeting notice</li> <li>• Development of evaluation reports that must be provided to parents including administering and reporting functional assessment. The districts functional assessment report will</li> </ul>	<b>December 30, 2011</b>	<b>Special Education Director and Staff</b>	

<p>include a list of specific skills the student has (strengths) and a list of specific skills the student will need to learn (weaknesses) for each skill area affected by the disability including transition.</p> <ul style="list-style-type: none"> <li>• Determining eligibility and completing the eligibility document</li> <li>• Developing an IEP that provides educational benefit</li> </ul> <p><b>Data Collection:</b></p> <ol style="list-style-type: none"> <li>1. The district will receive technical assistance regarding these issues. The training date, provider and participants will be reported as part of the three month progress report.</li> <li>2. Each special education teachers and speech pathologist will submit for <u>one student who has been initially evaluated or reevaluated</u> during the progress reporting period a copy of the following: <ol style="list-style-type: none"> <li>a. Referral document (if applicable)</li> <li>b. The prior notice/consent for evaluation</li> <li>c. Copies of <u>all</u> the evaluation reports including functional and transition</li> <li>d. Copy of the prior notice for the eligibility/IEP meeting,</li> <li>e. Copy of the MDT/eligibility document and;</li> <li>f. Copy of the IEP</li> </ol> </li> </ol> <p>Note: Documentation submitted must show evidence of correction to all General Supervision issues above or additional documentation will be requested.</p> <p>Team leader will review the documentation submitted, provide feedback and report progress at the 3, 6 and 9 month reporting periods.</p>			
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**3 month Progress Report:**  
**6 month Progress Report:**  
**9 month Progress Report:**